



COPY OF PAPERS
ORIGINALLY FILED

Attorney Docket No: 34826 - 1009

THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT OPERATION

In re Application of: FalconStor Software Inc.

Serial No.: 10/052,208 Group Art Unit:

Filed: 01/17/2002 Examiner:

For: DYNAMIC ALLOCATION OF COMPUTER MEMORY

New York, NY 10022

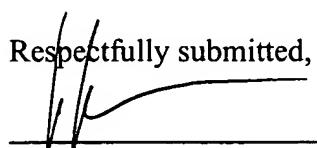
Hon. Commissioner of Patent and Trademarks
BOX MISSING PARTS
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application, Filing Date Granted, dated February 19, 2002, in the above-identified application, the Commissioner is hereby authorized to charge the statutory basic filing fee as set forth in 37 CFR 1.27 for a small entity to Deposit Account No. 50-0988. Enclosed in response to the Notice to File Missing Parts of Application is a signed Declaration for Utility or Design Patent Application (37 CFR 1.63) by all the inventors, Fee Transmittal Form, Letter to the Official Draftsperson with Corrected Drawings and signed Powers of Attorney. Applicant hereby petitions for a **one month** extension of time to extend the time of response to May 19, 2002 from April 19, 2002 with a charge to Deposit Account 50 - 0988 for petition fees and all other fees hereby authorized. A copy of Notice to File Missing Parts of Application under 1.53(b) is also enclosed.

Respectfully submitted,


John M. Johnson
Reg. No. 33,334

MAILING ADDRESS

KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
(212) 836 - 7790



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

COPY OF PAPERS
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Patent Application

Inventor: NILES, Ronald S. et al.

Case: 34826 - 1009

Serial No.: 10/052,208 Examiner:

Filing Date: January 17, 2002 Group Art Unit:

Title: DYNAMIC ALLOCATION OF COMPUTER MEMORY

LETTER TO THE OFFICIAL DRAFTSPERSON

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D. C. 20231

Attention: **Official Draftsperson**

Sir:

Enclosed are formal drawings for Figure 1 through 8 to be used in lieu of the informal drawings currently in the above identified patent application.

Respectfully,

Kaye Scholer LLP

By _____

John M. Johnson
Reg. No. 33,334
(212) 836 - 7790

Date: April 25, 2002
Enclosure



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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$) 901.00
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Complete if Known

Application Number	10/052,208
Filing Date	01/17/2002
First Named Inventor	NILES, Ronald S.
Examiner Name	
Group Art Unit	
Attorney Docket No.	34836-1009

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number	Kaye Scholer LLP
Deposit Account Name	50-0988

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	370.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 370.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
33	-20** = 13		x 9.00	= 117.00	
10	- 3** = 7		x 42.00	= 294.00	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		
(\$) 411.00		

***or number previously paid, if greater; For Reissues, see above*

3. ADDITIONAL FEES

Large Entity **Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	55.00
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$) 120.00

SUBMITTED BY		Complete if applicable
Name (Print/Type)	John M. Johnson	Registration No. (Attorney/Agent) 33,334
Signature		Telephone (212) 836 - 7790
		Date April 25, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.